

the monitor at the Deaf, Dumb and Blind Asylum for Colored Youths.

The motion to reconsider was lost.

The bill as amended was ordered engrossed.

Senator Atlee moved to reconsider the vote by which the bill was ordered engrossed, and to lay that motion on the table.

Tabled.

On motion of Senator Gough, the Senate adjourned to 10 a. m. to-morrow.

#### EIGHTY-FIFTH DAY.

Senate Chamber,  
Austin, Tex., Saturday, May 1.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Neal.
Bailey.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Goss.	Stone.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.
Morriss.	

Absent.

Beall.	Dibrell.
Boren.	Terrell.

Excused.

Darwin. Linn of Wharton.

Prayer by the Rev. G. C. Rector of Manor, as follows:

Our Father, who art in Heaven, we are under renewed obligations to Thee. Every passing night, with its quiet peace and invigorating rest, and every opening day, with its renewed privileges of service, bring us to a recognition of the favor and goodness of our God. And as we begin this day, may it be with hastening step and eager spirit; eager to fulfill the glorious purpose of our life here and to accomplish the end for which we were created. And as we labor, may the radiant presence of the Holy Spirit illuminate the paths of truth and strengthen our resolution, that we may follow with undeviating step those paths that lead

to the highest good of man and the glory of God. May Thy servants here have wisdom, that the people may be saved from the confusions of erroneous enactments, and may enjoy those wholesome laws that bring peace and foster prosperity. For the sake of Jesus. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Greer, the same was dispensed with.

On motion of Senator Goss,

Senator Terrell was excused for to-day, on account of important business.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 1, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Public Health, to whom was referred

Senate bill No. 370, a bill to be entitled "An act to amend articles 3763, 3766, 3767, 3768 and 3770, of title 81, of the Revised Civil Statutes of Texas, relating to the practice of pharmacy."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MORRISS, Chairman.

Committee Room,

Austin, Texas, May 1, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Finance, to whom was referred

Substitute House bill No. 203, a bill to be entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by striking out all after the enacting clause and inserting in lieu thereof all of substitute Senate bill No. 41, except the enacting clause.

STONE, Chairman.

Committee Room,

Austin, Texas, April 30, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 312, a bill to be entitled "An act to amend article 397, of chapter 2, title 18, of the Revised Civil

Statutes of Texas, relating to cities and towns, and the election of its officers,"

And find the same correctly enrolled, and I have this day, at 5:30 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Call concluded.

#### HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,  
Austin, Texas, May 1, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians."

With amendments.

Senate bill No. 345, a bill to be entitled "An act to further amend section 2 of an act entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the general laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2 of chapter 58 of the general laws of Texas, approved March 27, 1885, creating the Fortieth District, and to repeal all laws in conflict with this act, approved March 21, 1893, as amended by an act entitled an act to amend section 2 of an act to be entitled an act reorganizing the Fifteenth Judicial District, and the Fortieth Judicial District; and to amend chapter 67, section 15, of the general laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter 58, of the general laws of Texas, approved March 27, 1885, creating the Fortieth Judicial District, and to repeal all laws in conflict with this act, passed at the present session of the Legislature, and to further regulate and fix the times of holding courts in the Fortieth Judicial District, and to repeal all laws in conflict herewith,"

Senate bill No. 341, a bill to be entitled "An act to create a more efficient road system for Milam county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commis-

sioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts on public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner of training and maintaining hedges along all public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict herewith."

Substitute Senate bill No. 63, a bill entitled "An act to repeal articles 4218d and 4218i, chapter 12a, title 87, of the Revised Statutes of the State of Texas, and to add to said chapter articles 4218ff and 4218fff, and to amend articles 4218e, 4218f and 4218s of said chapter and title, relating to the sale and lease of the public school and asylum lands."

With amendments.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The Chair gave notice of signing, and did sign in the presence of the Senate after their captions had been read

Senate bill No. 216, a bill to be entitled "An act to amend article 745, of the Revised Civil Statutes of the State of Texas, requiring foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon said corporations transacting business in this State, and authorizing the Secretary of State to issue permits to such corporations."

And,

Senate bill No. 263, a bill to be entitled "An act to lease to H. P. N. Gammel of Austin, Travis county, Texas, the stereotyped plates of volumes fifty-six (56) to eighty-six (86), inclusive, of the Texas reports, being reports of the decisions of the Supreme Court of Texas."

On motion of Senator Stone, the regular order of business was suspended, to take up, on second reading,

House bill No. 203, being the general appropriation bill.

Bill read second time with committee amendment.

Committee amendment adopted.

Senator Goss raised the point of order that there was nothing before the Senate, inasmuch as the Senate en-

grossed bill, which the committee proposed to substitute for the House bill, did not accompany the report.

Not sustained.

Bill passed to third reading.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Neal.
Bailey.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Gough.	Stone.
Greer.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Morriss.	Yett.

Nays—1.

Goss.

Absent.

Beall.	Dibrell.
Boren.	Presler.
Burns.	

Excused.

Darwin.	Terrell.
Linn of Wharton.	

Bill read third time, and passed by the following vote:

Yeas—19.

Atlee.	Neal.
Bailey.	Rogers.
Colquitt.	Ross.
Goss.	Stone.
Gough.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.
Morriss.	

Nays—4.

Bowser.	Stafford.
Harrison.	Yantis.

Absent.

Beall.	Dibrell.
Boren.	Presler.
Burns.	

Excused.

Darwin.	Terrell.
Linn of Wharton.	

I vote "no" on substitute House bill No. 203, because the appropriations made, as provided for in the bill, will exceed the revenues of the state, thereby creating a deficiency, unless the tax rate is increased. BOWSER.

On motion of Senator Stone, the regular order of business was sus-

pending to take up on second reading,

House bill No. 539, a bill to be entitled "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government from March 1, 1895, to February 28, 1897, and for previous years, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies."

By Senator Stone:

Amend by adding after line 23, on page 2, "For stenographer for Court of Civil Appeals, Fifth district, \$1800."

Adopted.

Senator Colquitt called up Senator Terrell's motion to reconsider the vote by which the substitute offered by Senator Greer for the amendment by Senator Linn of Victoria was adopted.

Pending action.

On motion of Senator Greer, further consideration of the bill was postponed until Monday, May 3, after call.

Senator Rogers called up the conference committee report on

House bill No. 13, a bill to be entitled "An act to validate certain illegal sales of public school, university and asylum lands sold under section 22, chapter 99, of the Acts of 1887, and the amendments thereto, sold as isolated and detached lands, which were not in fact isolated and detached."

And moved the adoption of the majority favorable report.

Senator Gough moved to postpone further consideration of the bill until Monday, May 3.

Lost by the following vote:

Yeas—8.

Gough.	Stone.
Greer.	Tillett.
Harrison.	Woods.
Presler.	Yantis.

Nays—13.

Atlee.	Rogers.
Burns.	Ross.
Goss.	Stafford.
Lewis.	Turney.
Linn of Victoria.	Wayland.
Morriss.	Yett.
Neal.	

Absent.

Bailey.	Colquitt.
Beall.	Dibrell.
Boren.	Kerr.
Bowser.	

Excused.

Darwin.	Terrell.
Linn of Wharton.	

Senator Gough moved as a substitute for Senator Rogers' motion that the majority report be rejected, and that a free conference committee be asked for.

(Senator Atlee in the chair.)

Lost by the following vote:

Yeas—7.

Gough.	Stafford.
Greer.	Yantis.
Presler.	Yett.
Ross.	

Nays—14.

Atlee.	Morriss.
Bailey.	Neal.
Colquitt.	Rogers.
Goss.	Tillett.
Kerr.	Turney.
Lewis.	Wayland.
Linn of Victoria.	Woods.

Absent.

Beall.	Dibrell.
Boren.	Harrison.
Bowser.	Stone.
Burns.	

Excused.

Darwin.	Terrell.
Linn of Wharton.	

The majority report was then adopted.

Senator Goss moved to reconsider the vote by which the report was adopted, and to lay that motion on the table.

Tabled.

#### MESSAGE FROM THE GOVERNOR.

The Chair laid before the Senate the following message from the Governor:

Executive Office,

Austin, Texas, May 1, 1897..

To the Senate:

Senate bill No. 87 is herewith returned without approval. It is a lengthy act to provide for the protection of domestic animals by the creation of a livestock sanitary commission, and is intended to supersede the present law governing this subject. No useful purpose will be subserved by a statement of its provisions in detail, but it will be sufficient for this message to state the objections to the bill.

The act appropriates \$10,000 for its execution, and this amount may be expended in two years. During the past two years the livestock interests were well and thoroughly guarded at a cost of only \$3315.76, and in my judgment the sum appropriated by this bill is excessive.

Under the provisions of the bill, the Livestock Sanitary Commission, and

the veterinarian appointed by them, are authorized to examine animals thought to be affected with any infectious or contagious disease of a malignant character, and if found by them to be so affected, they may condemn such animals to be killed, and in that event shall direct the sheriff of the county to take possession of them and have their value assessed by three disinterested persons. These appraisers are required to report their action to the county judge, who shall cause a warrant to be issued on the county treasurer, payable to the owner of the animals, out of the general fund, for the value of the stock so fixed, less the fees of the sheriff, and if the owner is unknown the amount becomes a part of the general fund of the county. No notice is required to be given the owner before condemnation of his property, and, particularly, he is not given an opportunity to appear before the appraisers when its value is to be assessed, but the proceedings throughout are without notice, without a hearing and essentially *ex parte*. If, at the time of condemnation, the owner be unknown, opportunity within a reasonable time thereafter is not given to establish ownership, but the property is confiscated. The Constitution declares that no citizen shall be deprived of his property except by due course of the law of the land, and some of these proceedings are not of that character. *Armstrong v. Traylor*, 87 Texas, 598.

Most of the penal provisions of the bill are believed to be harsh, unreasonable and confiscatory. By section 8 it is provided that any person who shall, in violation of the rules of the Commission, drive or in any manner move any livestock across any quarantine line shall be fined in a sum not less than \$10 nor more than \$50 for each head of livestock so driven or moved across said line, and said fine shall constitute a charge or lien upon said livestock. By section 9 it is provided that any person who shall knowingly bring into this State any livestock which is infected with any contagious or infectious disease of a malignant character, or any livestock which has been exposed to such disease, shall be fined in a sum not less than \$100 nor more than \$500 for each animal so brought into the State, and such fine shall be a lien on the animals. By section 10 it is provided that any person who owns or is in possession of any livestock which is reported to be affected with a contagious disease, who shall refuse to allow the Commis-

sioners or veterinarian to examine such stock, or shall hinder or obstruct such examination, shall be fined not less than \$100 and not more than \$500 for each animal so owned, and the fine shall be a lien on said property. By section 11 it is provided that any person who shall have in his possession any livestock affected with a contagious disease, knowing the same to be so affected, who shall permit such stock to run at large, or who shall keep such stock where stock not his own and not so affected may be exposed to its contagion, shall be fined not less than \$100 nor more than \$500 for each head of stock, which shall be a lien thereon. The price of stock ordinarily affected by this bill will probably vary from \$10 to \$15 per head, and none will exceed \$25 per head. The lowest fine imposed in any of the sections noted is \$10 per head, and, consequently, scarcely any case will arise where the entire property will not be taken to discharge the fine. The bill will necessarily affect large bunches of cattle rather than isolated heads, and under three sections of the bill the lowest fine imposed on the owner of a herd of 100 will be \$10,000, or, measured by the highest price of cattle, \$7500 beyond the value of the herd. Section 10 is particularly obnoxious and oppressive. Under that section, if a person owns or is in possession of stock merely *reported* to be affected with a contagious disease, and refuses to permit it to be examined, or shall hinder or obstruct such examination, he may have the entire herd confiscated, though in truth it may be wholly free from such disease. Anxious to promote the livestock interests of the State, my opinion in matters of detail would be yielded to the Legislature, but the objections to the bill being constitutional or resting upon principle, it can neither be approved nor permitted to become a law.

C. A. CULBERSON.

Senator Bailey moved to suspend the regular order to take up, on third reading,

House bill No. 157, a bill to be entitled "An act to amend article 2977 of chapter 4, title 55, of the Revised Statutes of the State of Texas relating to divorce, so as to permit the wife to obtain a divorce where the husband shall have left her for one year with intention of abandonment, or for non-support, on the part of the husband, as well as for the continued drunkenness of either the husband or wife,

and to repeal all laws in conflict herewith."

Pending action,

Senator Colquitt moved that the Senate adjourn to 3 p. m. to-day.

Senator Greer moved that the Senate adjourn to 10 a. m. Monday.

The Senate adjourned to 10 a. m. Monday.

## EIGHTY-SIXTH DAY.

Senate Chamber,

Austin, Tex., Monday, May 3, 1897.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

### Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We bless Thee that we need Thee every day. Were we less, we could do without Thee the better; but being what we are, we long for Thee. Our rest is in Thy peace; our security is in Thy Almightiness and our hope is in Thy grace. With bowed heads we would recognize Thy goodness and praise, and give thanks to Thee for all that Thou hast given us, whether it came in dark or light, pain or joy. For the whole discipline of life, and the hope of that life toward which this one is moving and with some of us hastening, we render Thee thanks. Bless all whom we love, not according to our desires, but according to the riches of Thy own thought and love and mercy. If there are those who are adverse to us and at enmity with us, if we have offended them and they are justly angry toward us, teach us, we beseech Thee, to make atonement;